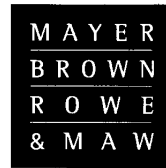
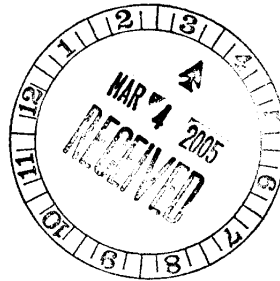


March 4, 2005

Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001



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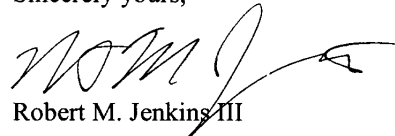
Re: Docket No. 42060 (Sub-No. 1) -- North America
Freight Car Association v. BNSF Railway
Company

Dear Secretary Williams:

By decision served February 28, 2005, the Board extended to March 4, 2005, the due date for parties to notify the Board in writing whether they had reached an impasse with respect to any discovery dispute. Counsel for BNSF Railway Company ("BNSF") and intervenor the American Chemistry Council ("ACC") have negotiated regarding BNSF's discovery requests to ACC and we appear to have resolved most of the discovery disputes between us. We have, however, reached impasse on some BNSF interrogatories to ACC. BNSF and ACC agree that it would be useful for the Board staff to meet as soon as possible with the parties to mediate those disputes, and we ask that the Board staff contact counsel for the parties to arrange such a meeting.

Counsel for ACC has authorized counsel for BNSF to state that ACC concurs in this letter.

Sincerely yours,


Robert M. Jenkins III

RMJ/bs

cc: Thomas E. Schick

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